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EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

09/817,441

Applicant(s)

KAMEN ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

**Peri d for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 16-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 16-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2173

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-11, and 16-46 are rejected under the judicially created doctrine of double patenting over claims 1-61 of U. S. Patent No. 6,229,541 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: A video system comprising a screen for displaying visual information.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See also MPEP § 804.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-11 and 16-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Gould et al. (US Patent No. 6,556,226).

Regarding claim 1, Gould discloses a video system comprising: a screen for displaying visual information (see col. 16, lines 1-11); and said video system containing one or more templates, each template comprising a non-overlapping set of active regions of the screen, whereby when said templates are not activated, said visual information can be seen by a viewer, and when one of said templates is activated, said visual information can still be seen by said viewer (see col. 16, lines 13-61).

Regarding claims 2 and 3, Gould discloses active regions invoke links to a data source (see col. 15, lines 8-40 and figures 8A-8B).

Regarding claim 4, Gould discloses comprising a control device for manipulating the position of the cursor to thereby select one of the active regions (see col. 5, lines 30-67).

Regarding claim 5, Gould discloses a screen for displaying visual information and memory for storing information corresponding to a template, said template establishing a set of regions on the surface of said of screen as active regions (see col. 8, lines 6-53).

Regarding claims 6-8, Gould discloses wherein said video system displays a first image, said first image being annotated such that a set of active areas are associated with said first image, said first image being annotated such that a sel of active areas are associated with said first image, and wherein when said template is activated, active areas associated with said first image are all masked (see col. 8, lines 6-67).

Regarding claims 9-11, Gould discloses wherein said first image is a web page and said active areas associated with said first image comprise hyperlinks (see col. 20, lines 18-67).

Regarding claims 16 and 17, Gould discloses further comprising a control device for selectively making the active regions of the template visible or invisible, but wherein said active regions remain wherein the template comprises a security feature for denying or permitting access to additional information, wherein said access is obtained by clicking on a predetermined sequence of the active regions of the template (see col. 16-17, lines 1-67).

As claims 18-22 are analyzed as previously discussed with respected to claims 1-11 above.

Regarding claims 23 and 24, Gould discloses displaying a first image on a display device, said display device being part of a display system; and activating a first template over said first image, said first template comprising a set of active areas associated with links, whereby said links can be activated by selecting one offset active areas of invoking comprising moving a cursor to one of said active areas associated with said link (see abstract and col. 10, lines 13-62).

Art Unit: 2173

Regarding claims 25 and 26, Gould discloses first image corresponds to a web page comprising hyperlinks, wherein when said template is established over said first image, at least some of said hyperlinks are underneath and masked by the active areas of said template (see abstract and col. 9, lines 14-67).

As claims 27-28 and 30-61 are analyzed as previously discussed with respected to claims 1-17 and 23-26 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gould in view of Rosin et al. (US Patent No. 6,411,307).

Gould fails to explicitly teach further comprising entering a security password into the said password being entered by selecting different active regions of said template.

Rosin teaches entering a security password into the said password being entered by selecting different active regions of said template (see col. 12, lines 21-54). It would have been

Art Unit: 2173

obvious to one of an ordinary skill in the art at the time the invention was made to provide password being entered by selecting different active regions of said template as taught by Rosin to the content multi-dimensional topic space of Gould in order to provide a secure channel on the viewer for accessing properly.

### ***Response to Arguments***

1. Applicant's arguments filed on 03/09/04 have been fully considered but they are not persuasive.

On page 10, third paragraph of the Remark; Applicant argue that Gould does not teach or suggest "video system containing one or more templates, each template comprising a non-overlapping set of active regions of the screen, whereby when said templates are not activated, said visual information can be seen by a viewer"; however, the limitations as claimed set forth to reply upon "Display combination shows a large displayed content region A, with smaller regions B and C. Display combination shows displayed content regions A and C comparable in size and slightly overlapping, with region B being smaller and non-overlapping. Suppose that display combination is presented, and that a user moves a pointing device such as a mouse toward the display region C. The system would display combination by way of transition. Suppose instead that display combination is presented, and that a user moves a pointing device such as a mouse toward the display region A. The system would display combination by way of transition. Note that this symmetry of moving a pointing device toward something and a particular transition occurs, move it in the opposite direction and the reverse transition occurs will be assumed from hereon in the discussion of this and other figures. This has been done to simplify the discussion and is not meant to communicate a lack of symmetry

Art Unit: 2173

between the motion of the focal point and the displayed contents. Display combination shows displayed content regions A, B and C where the three regions are approximately the same size and all of them overlap. Suppose that display combination is presented, and that a user moves a pointing device such as a mouse toward midpoint between display region B and C. The system would display combination by way of transition. Suppose instead that display combination is presented, and that a user moves a pointing device such as a mouse toward the display region B” see Gould col. 15, lines 19-66.

On page 11, first paragraph of the Remark; Applicant argue that Gould does not teach or suggest “a template with user accessible active regions associated with a process or link”. However, the limitations as claimed set forth to reply upon “FIG. 19 is a diagram showing the relationship between content in a multi-dimensional topic space and the traversal of content by a viewer over time. Content presentations A, B, C and D each take place of a perceptible interval of time for a user. During each presentation, any moment in a presentation may vary in relevance to the presented material the other content presentations. By way of example, a presentation sequence on Thomas Jefferson may at certain times be close in relevance to the subject of patents, and at other moments in the presentation, be close to the subject of religion, slavery, architecture or languages. This diagram shows by way of example how four illustrative content presentations might be annotated and display such relationships.” See Gould col. 19, lines 26-55.

On page 11, last paragraph of the Remark; Applicant argue that Rosin does not teach or suggest “using a template with active region”; however, the limitations as claimed set forth to reply upon “the agent provides additional links to web pages which have been classified



Art Unit: 2173

in one or more of the topics set forth in the selected template for the guide page displayed to the client user. Thus, the guide page interface provides an active presentation to the user of the current links currently in the guide page, while updating and revising the links periodically to provide new and current links to the user so that template does not become stale; see Rosin.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

### *Conclusion*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


*Response*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053.

The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

01/02/05